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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,090	09/12/2003	Housh Khoshbin	3861 P 012	6592

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,090	Applicant(s) KHOSHBIN, HOUSH	
	Examiner Vernal U. Brown	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-8,10-16,18,20,22-24,27-29,31-37,39,41,43 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8,10-16,18,20,22-24,27-29,31-37,39,41,43 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communication filed on December 19, 2005.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 6, 7, 11, 12, 18, 20, 22, 27, 28, 29, 31, 32, 33, 41, 43, 46. and the cancellation of claims 4-5, 9, 17, 19, 21, 25, 26, 30, 38, 42, and 45.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 6-8, 10-16, 18, 20, 22, 24, 27, 28, 29, 31, 32, 33-37, 39, 41, 43, and 46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 10, 15-16, 20, 22, 24, 31, 36-37, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Seeger US Patent Application Publication 2003/0022684 and further in view of Dorenbosch et al. US Patent 6023230.

Regarding claims 1, 10, 20, 22 and 31, Hymel teaches a method for providing priority messages to a plurality of wireless devices for notifying respective users of the wireless devices of the priority message (col. 5 lines 10-25), the method comprising the steps of: providing for receiving a priority message from an authority (col. 5 lines 20-25); providing for assigning a priority identifier to the priority message (col. 4 lines 54-60); providing for transmitting the priority message to the plurality of wireless devices (figure 1), wherein the priority identifier will cause the priority message to receive priority status once received by the plurality of the wireless devices (col. 5 lines 25-30). Hymel is however is silent on teaching the priority message is an amber alert message comprising an abductee name, vehicle identification, time, location and the priority message is assigned to a priority channel. Hymel is also not explicit in teaching compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message . Seeger in an art related Device for Warning notification teaches a wireless device receiving a priority message from an Amber Alert system regarding abductee (paragraph 0059) and also teaches a priority message is displayed before any other message (paragraph 0056). One skilled in the art recognizes that abductee name, vehicle identification, time are pertinent information that are generally issued with an amber alert. Seeger is also silent on teaching assigning the priority message to a priority channel. Dorenbosch et al. in an art related selective messaging system teaches assigning priority to a message channel (col. 4 lines 1-15) so that a priority message can be readily received, process, and displayed.

It would have been obvious to one of ordinary skill in the art to the priority message is an amber alert message comprising an abductee name, vehicle identification, time, location and the priority message is assigned to a priority channel and the priority message is displayed before

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any other message in Hymel because this ensures that a priority message is readily received, process, and displayed and an amber alert generally include pertinent information such as abductee name, vehicle identification, time are pertinent information that are generally issued with an amber alert

Regarding claims 3 and 24, Hymel teaches the address of the wireless device is used to determine the parameters associated with the wireless device and the parameter associated with the device includes the priority settings (col. 2 lines 55-60, col. 4 54-60).

Regarding claims 15-16 and 36-37, Hymel teaches the wireless device a distributed in geographical area (col. 1 lines 61-2 line 2).

Regarding claim 43, Burgan et al. teaches a wireless device for notifying a user of the wireless device of a priority message (col. 2 lines 45-55), the wireless device comprising:

a display for displaying a priority message (col. 3 lines 11-15);

a receiver for receiving the priority message, wherein a priority identifier is assigned to the priority message and the identifier will cause the priority message to receive priority status once received by the wireless device (col. 2 lines 49-65). Burgan et al. teaches persistently displaying a priority message (col. 4 lines 19-25). The persistent display of the priority message prevent any other message from been displayed. Burgan et al. is however not explicit in teaching compelling the display of the priority message before any other message is displayed. Seeger in an art related Device for Warning notification teaches a wireless device receiving a priority message from an Amber Alert system regarding abductee (paragraph 0059)

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and also teaches a priority message is displayed before any other message (paragraph 0056). One skilled in the art recognizes that abductee name, vehicle identification, time are pertinent information that are generally issued with an amber alert. Seeger is also silent on teaching assigning the priority message to a priority channel. Dorenbosch et al. in an art related selective messaging system teaches assigning priority to a message channel (col. 4 lines 1-15) so that a priority message can be readily received, process, and displayed.

It would have been obvious to one of ordinary skill in the art to the priority message is an amber alert message comprising an abductee name, vehicle identification, time, location and the priority message is assigned to a priority channel and the priority message is displayed before any other message in Hymel because this ensures that a priority message is readily received, process, and displayed and an amber alert generally include pertinent information such as abductee name, vehicle identification, time are pertinent information that are generally issued with an amber alert

Regarding claim 46, Burgan et al. teaches automatically displaying the priority message upon the activity of the user (col. 4 lines 19-25, col. 4 lines 38-41).

Claims 6-8 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Seeger US Patent Application Publication 2003/0022684 in view of Dorenbosch et al. US Patent 6023230 and further in view of Burgan et al. U.S Patent 6351656.

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Regarding claims 6-8 and 26-29, Hymel in view of Seeger in view of Dorenbosch et al. teaches a plurality of wireless devices receiving a priority message on a priority channel and receiving an amber alert message (see response to claim 1) but is silent on teaching displaying the priority message. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless device (col. 3 lines 11-15) and storing the priority message received on the priority channel in a priority state within the wireless device (col. 2 line 54-65).

It would have been obvious to one of ordinary skill for storing the priority message received on the priority channel in a priority state within the wireless device because this allows the priority message to be recall from memory by the user of the wireless device.

Claims 11-12 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Seeger US Patent Application Publication 2003/0022684 in view of Dorenbosch et al. US Patent 6023230 and further in view of Burgan et al. U.S Patent 6351656.

Regarding claims 11-12 and 32-33 Hymel teaches a plurality of wireless devices receiving a priority message (col. 5 lines 10-25) but is silent on teaching displaying a graphic on the display prior to displaying the priority message on the display of wireless device. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless devices (col. 3 lines 11-15) and teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to displaying a graphic on the display prior to displaying the priority message on the display of wireless device in Hymel in

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view of Seeger in view of Dorenbosch et al. as evidenced by Burgan et al. because displaying a graphic (icon) on the display screen informs the user that a priority message has been received.

Claims 13-14 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Seeger US Patent Application Publication 2003/0022684 in view of Dorenbosch et al. US Patent 6023230 in view of Burgan et al. U.S Patent 6351656 and further in view of Hymel et al. U.S Patent 6157814.

Regarding claims 13-14 and 34-35, Hymel in view of Seeger in view of Dorenbosch et al. in view of Burgan et al. teaches using graphic to indicate priority messages (*see response to claim 12*) but is silent on teaching the graphic is an advertising logo and a sponsor message. Hymel et al. in an art related wireless device invention teaches the use of an advertising logo that include a sponsor message for indicating a message received at a wireless device (col. 3 lines 7 – 12 and col. 3 lines 45-47).

It would have been obvious to one of ordinary skill in the art to use an advertising logo and a sponsor message to indicate a priority message in a wireless device because this provides instant recognition of the source of the page

Claims 20 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Seeger US Patent Application Publication 2003/0022684.

Regarding claims 20 and 41, Hymel in view of Alperovich et al. teaches a wireless device receiving a priority message (col. 5 lines 10-25) but is silent on teaching the priority message is received from an “Amber Alert” system. Seeger in an art related Device for Warning notification

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teaches a wireless device receiving a priority message from an Amber Alert system regarding abductee (paragraph 0059).

It would have been obvious to one of ordinary skill in the art for the wireless device to receive a priority message from an Amber Alert system in Hymel in view of Alperovich et al. as evidenced by Seeger because Hymel suggests a wireless device receiving a priority message and Seeger teaches wireless device receiving a priority message from an Amber Alert system so as to alert a person of an emergency situation.

Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hymel U.S Patent 6353382 in view of Alperovich et al. US Patent 6119014 in view of Seeger US Patent Application Publication 2003/0022684 and further in view of in view of Burgan et al. U.S Patent 6351656.

Regarding claims 18 and 39, Hymel in view of Alperovich et al. in view of Seeger teaches a wireless device receiving a priority message from an Amber Alert system (*see response to claim 17*) but is silent on teaching receiving a graphic from the Amber Alert system. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless devices (col. 3 lines 11-15) and teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to displaying a graphic on the display prior to displaying the priority message on the display of wireless device in Hymel in view of Alperovich et al. as evidenced by Burgan et al. because Hymel suggests a wireless receiving messages base on priority and Burgan et al. teaches a wireless device displaying a

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graphic (icon) on the display screen so as to inform the user that a priority message has been received.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
March 2, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER